IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Fateh Singh. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 825/2007

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Date of Order: March 22, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Hemant Shrimali, for the petitioner.

BY THE COURT:

By the instant writ petition, the petitioner seeks quashing of the orders Annx.3 dated 30-12-2000, Annx.4 dated 31-12-2001 and Annx.6 dated 27-1-2003 passed by the Disciplinary Authority, Appellate Authority and the Reviewing Authority respectively.

Heard learned counsel for the petitioner.

The facts and circumstances giving rise to the instant writ petition are that a domestic inquiry was initiated against the

petitioner under rule 17 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 (for short, "the CCA Rules, 1958" hereinafter). A Memorandum of Allegation along with Statement of Allegation and Charge-sheet were issued vide Annx.1. The allegation against the petitioner is that on 31-10-2000, at 8:00 PM, he was found absent from the duty assigned to him at Badnaur Circle and his absence was recorded in the Roznamcha-Aam. Again the petitioner was not found on duty at Badnaur Circle on 1-11-2000 at 1:00 AM and as such he was found voluntarily absent for one day from his night duty. The petitioner submitted certain explanation for his absence from duty, however, on the basis of the material before the Inquiry Officer, the charges were found proved against him and the Disciplinary Authority, vide order Annx.3 dated 30-12-2000, imposed the punishment of censure and one day's absent from duty was accepted as privilege leave vide order Annx.3. Aggrieved by the order imposing the punishment of censure, the petitioner preferred an appeal before the Appellate Authority under rule 23 of the CCA Rules, 1958, which came to be dismissed vide order Annx.4 dated 31-12-2001; against which the petitioner preferred a review petition before the Reviewing Authority, which came to be dismissed vide order Annx.6 dated 27-1-2003. Hence this writ petition.

It is contended by the learned counsel for the petitioner that the orders passed by the Appellate and Reviewing Authorities are non-speaking orders as no reasons have been assigned therein and therefore the same are bad in the eye of law. It was contended that though the petitioner was absent from duty it was on account of an information by the informant to move to Bartu Circle. At any rate, it has been established that on the place of the duty assigned to the petitioner for holding a Nakabandi, he was found absent without plausible reason.

Learned counsel for the petitioner further contended that similar actions were also initiated against Constables Rajesh and Mahesh but the Disciplinary Authority did not find the charges proved against these persons and no punishment was imposed on them and, therefore, the petitioner has been discriminated in imposing the punishment.

On careful perusal of the impugned orders Annx.3, Annx.4 and Annx.6 and keeping in view the allegation of absence from duty where the petitioner was assigned the night duty to a particular place for holding a Nakabandi, on an information received by the higher authority, in my view, the punishment of censure, in any way, cannot be said to be disproportionate to the delinquency.

Keeping in view the limited scope of judicial review in the orders of the Disciplinary Authority, Appellate Authority and

the Reviewing Authority, it is not a fit case warranting interference in the extraordinary jurisdiction.

The writ petition is, therefore, summarily dismissed. There shall be no order as to costs.

(H.R. PANWAR), J.

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